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09/489,570	01/21/2000	William J. Baer	STL000021US1	5998

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n N

09/489,570

Applicant(s)

BAER ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 11, 23-24, 26, 36, 48-49, 51, 61, 73-74 in the amendment received on 03/04/2003 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-6, 9-18, 21-31, 34-43, 46-56, 59-68, and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627].

Regarding to claims 1, 26, 51, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the steps of: *storing as a file object within the data repository a list of content entity identifiers indicating the content entities within and arrangement of the content object, storing ones of the plurality of content entities within the data repository as a plurality of individually accessible file objects, wherein each file object contains one content entity, and enabling modification of the presence and position of content entity identifiers within said list by a user to alter the content and arrangement of the content object*. However, as shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard or may be

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derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). Thus, the track [159] as an identifier file object with a list of track name as content entity identifiers, the tracks as content entities that are stored could be identified by their track names, and the Duwaer technique as discussed above indicates the step of *storing as a file object within the data repository a list of content entity identifiers indicating the content entities within and storing arrangement of a compilation of music as the content object; storing ones of the plurality of content entities within the data repository as a plurality of individually accessible file objects, wherein each file object contains one content entity*. As shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Such clicking will suppress the display of all audio items that do not concord with the line so clicked. For example, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. As an alternative to the selecting of the item, part of the title of an audio item to be found has been typed in field 61, for effecting a content-addressing of the item, rather than selecting according to the attributes. Button 60 resets the system to the format of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the

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compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within said list by a user to alter the content and arrangement of the content object*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including a file object, a plurality of content file objects for altering the content and arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the track for creating a compilation.

Regarding to claims 2, 27 and 52, Duwaer teaches all the claimed subject matters as discussed in claims 1, 26 and 51, Duwaer further discloses the step of *creating an attribute table in the data repository for storing an attribute pertaining to at least one of content objects and content entities* (FIGS. 3 & 7).

Regarding to claims 3, 28 and 53, Duwaer teaches all the claimed subject matters as discussed in claims 2, 27 and 52, Duwaer further discloses *the step of*

creating a row for each content object in the attribute table, the row containing at least one attribute pertaining to the content entity (FIGS. 3 & 7).

Regarding to claims 4, 29 and 54, Duwaer teaches all the claimed subject matters as discussed in claims 2, 27 and 52, Duwaer further discloses the step of *creating a row for each content entity in the attribute table, the row containing at least one attribute pertaining to the content object (FIGS. 3 & 7).*

Regarding to claims 5, 30 and 55, Duwaer teaches all the claimed subject matters as discussed in claims 2, 27 and 52, Duwaer further discloses: *at least one attribute is extracted from the content object (FIG. 6).*

Regarding to claims 6, 31 and 56, Duwaer teaches all the claimed subject matters as discussed in claims 1, 26 and 51, and further discloses: *ones of the content entities further comprise components associated with the content object, and further comprising the step of storing each associated component as a file object (Col. 1, lines 25-45).*

Regarding to claims 9, 34 and 59, Duwaer teaches all the claimed subject matters as discussed in claims 1, 26 and 51, and further discloses *the content object is a compilation of content (FIGS. 4-5).*

Regarding to claims 10, 35 and 60, Duwaer teaches all the claimed subject matters as discussed in claims 6, 31 and 56, Duwaer further discloses: *at least one of the associated components comprises an image* (Col. 1, lines 25-45).

Regarding to claims 11, 36 and 61, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the steps of: *storing as a file object within the data repository an outline of containers and content entity identifiers defining the content and hierarchy of the content object, storing ones of the plurality of content entities within the data repository as a plurality of individually accessible file objects, wherein each file object contains one content entity, and enabling modification of the presence and position of containers and content entity identifiers within said outline by a user to alter the content and hierarchy of the content object*. However, as shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify *the publisher, the distributor, the release year, the composer*

and the conductor. The contents of these fields can be inputted through typing on the PC keyboard, or may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). Thus, the *type, performer, source...* as an outline of containers, and *track name* as content entity identifiers, the tracks as content entities that are stored could be identified by their track names, and the Duwaer technique as discussed above indicates the step of *storing as a file object within the data repository an outline of containers and content entity identifiers defining the content and hierarchy of a compilation of music as the content object; storing ones of the plurality of content entities within the data repository as a plurality of individually accessible file objects, wherein each file object contains one content entity*. As shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Such clicking will suppress the display of all audio items that do not concord with the line so clicked. For example, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. As an alternative to the selecting of the item, part of the title of an audio item to be found has been typed in field 61, for effecting a content-addressing of the item, rather than selecting according to the attributes. Button 62 controls the adding of the

selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *type, performer, source...* as containers, *track* names as content entity identifiers within the outliner by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of containers and content entity identifiers within said outline by a user to alter the content and hierarchy of the content object*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including a file object, a plurality of content file objects for altering the content and arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the track for creating a compilation.

Regarding to claims 12, 37 and 62, Duwaer teaches all the claimed subject matters as discussed in claims 11, 36 and 61, Duwaer further discloses the step of *creating an attribute table in the data repository for storing an attribute pertaining to at least one of content objects and content entities* (FIGS. 3 & 7).

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Regarding to claims 13, 38 and 63, Duwaer teaches all the claimed subject matters as discussed in claims 12, 37 and 62, Duwaer further discloses the step of *creating a row for each content object in the attribute table, the row containing at least one attribute pertaining to the content object* (FIGS. 3 & 7).

Regarding to claims 14, 39 and 64, Duwaer teaches all the claimed subject matters as discussed in claims 12, 37 and 62, Duwaer further discloses the step of *creating a row for each container in the attribute table, the row containing at least one attribute pertaining to the container* (FIGS. 3 & 7).

Regarding to claims 15, 40 and 65, DeRose teaches all the claimed subject matters as discussed in claims 12, 37 and 62, DeRose further discloses the step of *creating a row for each content entity in the attribute table, the row containing at least one attribute pertaining to the content entity* (FIGS. 3 & 7).

Regarding to claim 16, 41 and 66, Duwaer teaches all the claimed subject matters as discussed in claims 12, 37 and 62, Duwaer further discloses: *at least one attribute is extracted from the content object* (FIG. 6).

Regarding to claims 17, 42 and 67, Duwaer teaches all the claimed subject matters as discussed in claims 11, 36 and 61, and further discloses: *ones of the content entities further comprise components associated with the content object, and further*

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comprising the step of storing each associated component as a file object (Col. 1, lines 25-45).

Regarding to claims 18, 43 and 68, Duwaer teaches all the claimed subject matters as discussed in claims 11, 36 and 61, Duwaer further discloses: *the content object is one of a book, a collection of images, an album, and a video* (Col. 1, lines 25-45).

Regarding to claims 21, 46 and 71, Duwaer teaches all the claimed subject matters as discussed in claims 11, 36 and 61, Duwaer further discloses *the content object is a compilation of content* (FIGS. 4-5).

Regarding to claims 22, 47 and 72, Duwaer teaches all the claimed subject matters as discussed in claims 14, 42 and 64, Duwaer further discloses: *at least one of the associated components comprises one of an image, a video segment and an audio segment* (Col. 1. lines 35-45).

Regarding to claims 23, 48 and 73, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the steps of: *retrieving the file object containing the list of content entity identifiers, wherein each content entity is stored as an individually accessible file object within the data repository; enabling modification of the*

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presence and position of content entity identifiers within the list by a user to alter the content and arrangement of the content object; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity; and inserting the content entity into the ordered list at the location of its content entity identifier. However, as shown in FIG. 2 is a layout example of a *select tracks* tab that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information* tab that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify successively *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation* tab is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). Thus, the track [159] as an identifier file object with a list of track name as content entity identifiers, the tracks as content entities that are stored could be identified

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by their track names, and the Duwaer technique as discussed above indicates the step of *retrieving the file object containing the list of content entity identifiers, wherein each content entity is stored as an individually accessible file object within the data repository*. As shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and hierarchy of the content object; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity; and inserting the content entity into the ordered list at the location of its content entity identifier*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including the steps of retrieving the file object, inserting the content entity, and enabling modification for altering the content and

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arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the tracks for creating a compilation.

Regarding to claims 24, 49 and 74, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). Duwaer does not explicitly teach the method comprising the steps of: *enabling modification of the presence and position of content entity identifiers within said list by a user to alter the content and structure of the content object; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity; and inserting the content entity into the ordered list at the location of its content entity identifier*. However, as shown in FIG. 2 is a layout example of a *select tracks* tab that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information* tab that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify successively *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the

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medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). As shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and hierarchy of the content object; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity; and inserting the content entity into the ordered list at the location of its content entity identifier*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including the steps of enabling

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modification for altering the content and arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the tracks for creating a compilation.

Regarding to claims 25, 50 and 75, Duwaer teaches all the claimed subject matters as discussed in claims 24, 49 and 74, Duwaer further discloses the step of *assigning an identifier to the content object; and assigning new content entity identifiers to the content entities, the new identifiers including the identifier assigned to the content object* (Col. 4, lines 47-50, and FIG. 5).

4. Claims 7-8, 19-20, 32-33, 44-45, 57-58, and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627] in view of DeRose et al. [USP 5,557,722].

Regarding to claims 7-8, 19-20, 32-33, 44-45, 57-58, and 69-70, Duwaer teaches all the claimed subject matters as discussed in claims 1, 26, 51, 11, 36, 61, but fails to disclose: *the content object is a book and ones of the content entities are one of volumes, chapters and sections*. DeRose teaches a system for indexing and rendering electronic documents, especially electronic books, having descriptive markup and hierarchical content (DeRose, Col. 1, lines 10-20). DeRose further discloses *a book and ones of the content entities are one of volumes, chapters and sections* (DeRose, FIG. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was

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made to modify the Duwaer technique by defining a book as a content object in order to compile a research with the specified chapters or sections.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
April 13, 2003



DEAN M. CORRIEUS
PRIMARY EXAMINER